OASPA response to NIH RFI 2023

This is OASPA's response to the Request for Information based on this [policy (with revisions) from the NIH](#) as released on 21 Feb 2023.

OASPA (the [Open Access Scholarly Publishing Association](#)) represents a diverse community of organizations engaged in open scholarship and encourages and enables open access as the predominant model for scholarly outputs.

OASPA wishes to ensure that open access is equitable and inclusive and is keen to explore with its publisher members and library stakeholders ways to increase equity in open access publishing. Why? Because the inclusion of all researchers, including authors from developing and transition countries, and indeed from all backgrounds and life stages, is essential for advancing human knowledge and also for a successful transition to open access. Without the development of new and more equitable approaches to open access, we will not benefit from its full potential. This includes:

● Equity in pricing models for all forms of business models, otherwise authors will continue to face financial barriers to participation.
● Being a stakeholder with influence. Without the development of new and more equitable engagement models for all forms of publishing, authors will also continue to face barriers to participation.

Increasing equity is a shared challenge and no single stakeholder, group, country, or region can deliver this alone. Open access is one of the main ways in which public access mandates will be achieved and we believe that the types and modes of open access that OASPA is interested in supporting and promoting will strengthen the NIH's public-access goals, and that our ongoing work may provide insights into the questions raised by the NIH in its 2023 Request for Information. Equity as we see it is not just about having access to research outputs or the ability to reuse them, but also the ability to be able to participate fully and contribute to the global endeavor of research and scholarship.

OASPA supports the NIH policy and the direction it is taking for scholarly communication. We applaud NIH's commitments to advance the use of persistent identifiers (PIDs) and metadata and the wider benefits they will bring, including increasing equity in discoverability of research.

We strongly endorse the NIH's outlined data policy. Publications and the data underlying them are linked and so it is important that these areas are developed in parallel. OASPA's core

interest sits on the publications side, but data is key to the validity, integrity and replicability of published works.

OASPA has always called for immediate open access to scholarly outputs and so we welcome the move to remove embargos from publications - this makes a huge impact on access to scholarly research outputs. The widespread adoption of depositing the accepted manuscript into PMC will provide a catalyst to fully take advantage of the range of business models that are not based on APCs (Article Processing/Publishing Charges) or transformative agreements. Furthermore, the proposal of developing language to support authors in retaining their rights and bring clarity to the submission process for both authors and publishers - as well as clear conditions for reuse of published works - is welcomed. In the detail of this document we emphasize the importance of enabling reuse, and we call for conversation and support from the NIH around developing routes to open access that are more inclusive and equitable.

OASPA is delighted to see that the NIH policy is focussed on increasing immediate access to research. This lies at the heart of open access. OASPA also feels that scholars should not be faced either with barriers to participation or unfair costs.

The Request for Information from the NIH is focussed on these four questions:

1. How to best ensure equity in publication opportunities for NIH-supported investigators.
2. Steps for improving equity in access and accessibility of publications.
3. Methods for monitoring evolving costs and impacts on affected communities.
4. Early input on considerations to increase findability and transparency of research.

OASPA and the NIH are aligned in not promoting particular business models as there is more than one way to successfully achieve open access. With our recent focus on equity in open access, OASPA is very encouraged to see equity as the focal point of the questions that the NIH is seeking specific responses about. On these we offer a few thoughts:

1. **How to ensure equity in publication opportunities for NIH-supported investigators?**

   Opportunities to publish open access are not equitable at the moment, and OASPA believes that policy can help with this.

   OASPA has studied the OA market, and is concerned about consolidation and lack of diversity in the way in which OA is being achieved. In a separate study across well over 4 million OA articles published over the last 12 years, we see that in 2022 just 10 publishers accounted for 83% of OASPA members' OA output (as reported here). Market concentration is increasing rapidly - in 2020 these figures were six publishers accounting for 75% of OA output.

Although the NIH policy allows for a number of ways in which to achieve public access, we expect that the NIH would care about this market consolidation as there are both equity concerns as well as a cost element involved. A reasonable proportion of NIH funded work is published via the Gold-OA route, which our research on the OA market tells us would primarily, therefore, be via APC payments or transformative agreements. As we argue in the following paragraph, there are legitimate concerns that these prevalent (APC) and developing (transformative) models of open access publishing tend to exclude authors of particular career stages, particular genders, and particular institutions in addition to also excluding those from certain world regions.

OASPA notes a raft of evidence and views supporting the problematic nature of the APC, from this 2020 commentary to this 2022 review and this 2022 study stating that open access is leading to closed research. OASPA also notes this 2019 blog post that asserts "*unfairness lies at the core of the APC problem*". This 2020 study examining content published by US-based researchers between 2014 and 2018 in over 25,000 academic journals reveals that, in general, the likelihood for a scholar to author an APC-OA article "*increases with male gender, employment at a prestigious institution, association with a STEM discipline, greater federal research funding, and more advanced career stage (i.e., higher professorial rank).*"

The APC is most often the 'basic unit' used to compute and derive terms around newer 'transformative' deals which increase access to OA publishing for researchers at select (mostly the best-resourced) institutions.

A predominance of these APC and 'transformative' routes to OA would have negative impacts for equity. However, it should be recognised here that for many publishers these routes are the only reliable means to achieve open access. Funding for other (more equitable) models that could be adopted is as yet not well established. This needs attention and structural support to enable the move to more equitable routes of immediate open access that also allow for the widest possible reuse.

More on this topic is available in OASPA's blog reporting from our first 'Equity in OA' workshop held on 7 March 2023 which brought together publisher, librarian and funder participants from a wide range of countries including the USA.

Given that 47% of articles received into PMC are via publisher-deposits from some 3000 journals [as per ref 16 here] and also given that the NIH wishes to keep a handle on costs, although the NIH policy is focused on public access, OASPA is convinced that making OA better, and most importantly, increasing equity and diversity in the routes to OA, will help the NIH's aims around equitable public access and increase publication opportunities for NIH-supported investigators.

OASPA's suggestions are:

- **Push for more responsible practice and support reasonable publishing costs**

  How specifically publication venues/journals could be judged as delivering equitable open access has not yet crystallized, but work that OASPA and others are doing in this area will reveal more answers in the coming year or so. Specifically, OASPA is aiming to develop ways in which publishing organizations can demonstrate their portfolios' adherence to principles around equity and organizational efforts to increase inclusion and equity so that there is better and greater access to participation in OA publishing.

  The NIH already has a plan to develop more details and supplementary information around this space. The NIH could potentially consider adding a condition around journals' adherence to certain principles of equity in achieving OA of the final published version of articles. We would love to work with federal agencies on this and/or provide inputs from the work we are doing in this area if seen to be relevant. OASPA is working on Equity in OA in parallel with the library and funder communities that are also taking steps to define such principles. See also the response to point (3) below involving a future 'Equity in OA' OASPA workshop.

- **Change the language around "reputable" journals mentioned in III.D.1**. This word is tied up with a current, perverse, research-assessment and incentives culture. It also is a barrier for the establishment of new models and the experimentation and innovation that is needed for open access to be more broadly adopted. This language can reinforce an unnecessary drive towards higher cost OA-publication venues and greater market consolidation across publishing venues that have greater brand presence where a diversity of publication venues exist and more cost-effective routes would suffice. The very nature of 'reputable journals' is, in itself, a major contributing factor of the exclusionary research culture that is prevalent today.

- **Stay in touch and/or work with OASPA and other stakeholders building equity in scholarly communications**. OASPA's recent work has revealed that differentiated pricing on the basis of the ability to pay and automation in discounting and waiver practices for Gold-OA publications (that rely on APCs) would be helpful as short-term fixes in addressing equity issues. There are as yet no bases for such pricing mechanisms in the scholarly publishing industry, but potential solutions were aired and discussed last month as part of OASPA's Equity in OA workshop series. OASPA is a proven convener of stakeholders for constructive conversation and is keen to work with the NIH and other funders and agencies to continue to develop models and solutions that foster equity in open access publishing.

2. **Steps for improving equity in access and accessibility of publications:**
   OASPA believes that when we focus more (or solely) on access than reuse then we all stand to lose out on the full benefits of both public access and open access. Using the paywalled/subscription route with zero-embargo deposits to PMC removes a cost barrier and broadens participation, but it's important to make sure that discoverability and re-use

are maximized. Accessibility and equity should also be about making content as useful to the public as possible, and to achieve its full potential that content needs to be reusable. By also including strong requirements for PIDs and metadata, visibility of published outputs can be widened.

To be truly equitable and inclusive, and to support the broadest possible human engagement (to sit alongside machine-readability and mining as well), the sharing and re-usability of outputs needs to be more specifically supported.

The NIH policy already says: "*NIH will continue to promote the broadest possible reuse of its supported articles, while limiting inappropriate uses, such as redistribution of PMC content for sale.*" This could go further to specify that re-use licensing on deposited accepted manuscripts (AMs) and published articles should specifically articulate and facilitate appropriate reuse.

3. **Methods for monitoring evolving costs and impacts on affected communities.**

In the publishing sector today, the APC is able to 'pull in' research-funder investment (albeit in the US these are often via convoluted routes, with APC monies nested in research grants or only available through trade offs - more on this within the [survey findings from an October 2022 report from the American Academy for the Advancement of Science (AAAS)](#) . Nonetheless, awareness of funding requirements for APCs is established. However, there are scant (no?) routes that OASPA is aware of for equivalent support for models involving collective action, S2O or diamond routes all of which deliver OA with no researcher-facing fees for reading or publishing.

OASPA recommends greater normalization of investment for these additional routes to support a more equitable form of OA enabling greater participation. We believe that this will drastically alleviate the impacts on affected communities because: (1) with additional funder support available, more US institutions and librarians may find it easier to repurpose existing spends from paywalled to OA titles that rely on collective action and or diamond routes; (2) fewer NIH-supported researchers will see or need to deal with invoices at the individual article level.

While the NIH (and the OSTP policy) is clear that it is model-agnostic, failure to provide support (through policy and funding) for more equitable OA models such as collective action and Diamond OA will only serve to entrench the currently dominant modes of Gold OA publication (via APCs and transformative agreements) that are inherently inequitable as argued above.

OASPA will be holding future 'Equity in OA' workshops in June 2023 where we hope that multi-stakeholder conversations around shared principles for equity in OA agreements can be developed. We aspire to next-generation agreements and publishing practices

with equity and inclusion central to their conception devised to help secure and establish equity in OA regardless of business model.

It's important though to note here - as we have covered in points above - that costs are not the only barrier preventing researchers from contributing and so other factors should be addressed alongside, such as format, language, incentives, assessment, and the notions of quality and prestige.

4. **Input on considerations to increase findability and transparency of research**

OASPA's suggestion is to ask that this behavior in the community of scholars is specifically and actively rewarded. The NIH has the opportunity to help build credit and benefits for those researchers who deposit data and follow open-publishing practices. An additional option would be to consider making open access *and* open data prerequisites for grant funding. OASPA would welcome participation from the NIH in work with institutions to build rewards and incentives for open practices into career evaluations.

This also links to better uptake of PIDs and usage of metadata, both of which contribute to the findability and transparency of research. OASPA is actively involved in initiatives which are focussed on implementing more widespread adoption of PIDs and supports the uptake of new identifiers such as ROR. The OA Switchboard, a community-led initiative founded by OASPA, is also helping to increase PIDs and participation provides a practical mechanism for improving publisher metadata. There is a timely opportunity for all of us to collaborate.

Unsurprisingly, OASPA advocates for as much openness as possible throughout the whole publication process and for all components, including citations and abstracts. OASPA has been a supporter of I4OC and I4OA since they were founded. We encourage data sharing, under FAIR principles, and actively support our members regarding data citation.

Findability and transparency of research is also directly linked to research integrity and is a key area of OASPA's work which we have always placed great importance on. It enables the ability to combat all bad actors, not just researchers. Other aspects can also support this, such as having more information available regarding peer review - we encourage NIH to think beyond current practices and to explore open access to other research outputs connected to publishing, for example peer review reports. Encouraging this through research assessment reform will also help with proliferation of such behaviors throughout the researcher community.

In closing, OASPA is enthusiastic about the NIH's goals and welcomes the future trajectory as outlined in this revised policy. OASPA would also like to reiterate the alignment between public access goals of the NIH (and OSTP) and OASPA's views on open access.

Equity in OA is an ongoing area of work at OASPA with future conversations and workshops actively being convened and a post reporting from our second workshop expected in the coming days. Outputs from our work so far are listed below as further reading. We would welcome working with the NIH and other federal agencies to help sculpt pathways to more equitable ways of achieving both open and public access.

Open access is one of the main ways in which public access mandates will be achieved and this is the time to lay down strong foundations for the coming years. If done right, as LaToya E Eaves eloquently argues: "*Widespread open access publishing would bring about a more just distribution of knowledge within the United States and globally*".

Equity in open access - further reading and resources from OASPA:

Feb 2023 Briefing Document for 'Equity in OA' workshop attendees (including reading list)
March 2023 OASPA's Equity in OA workshop 1 report
March 2023 blog - Reflections from workshop #1 - the APC debate, reflections and rainbows
April 2023 OASPA's Equity in OA workshop 2 report

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This open response to NIH is also publicly available on OASPA's website:
https://oaspa.org/oaspa-response-to-nih-rfi-2023/